

Message Text

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17/20

ACTION EB-07

INFO OCT-01 EA-09 IO-11 ISO-00 AGR-10 CEA-01 CIAE-00

COME-00 DODE-00 FRB-01 H-02 INR-07 INT-05 L-03 LAB-04

NSAE-00 NSC-05 PA-02 AID-05 CIEP-02 SS-15 STR-04

ITC-01 TRSE-00 USIA-15 PRS-01 SP-02 OMB-01 FEA-01

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R 121431Z MAR 76

FM USMISSION GENEVA

TO SECSTATE WASHDC 8706

INFO AMEMBASSY SINGAPORE

UNCLAS GENEVA 1902

C O R R E C T E D C O P Y (OMISSION IN PARAGRAPH ONE)

DEPT PASS U.S. CUSTOMS SERVICE, DUTY ASSESSMENT DIVISION

E.O. 11652: N/A

TAGS: UNCTAD ETRD

SUBJECT: GSP IMPEMETATION

REF: SINGAPORE 958

1. R.N. MARRA, FORMER U.S. CUSTOMS OFFICIAL, UNCATD CONSULTANT AND MEMBER UNCTAD GSP MISSION TO FAR EAST, HAS ASKED THAT WE PASS FOLLOWING MESSAGE: QUESTION HAS ARISEN REGARDING TERM "WHOLLY THE GROWTH PRODUCT OR MANUFACTURE OF THE BENEFICIARY DEVELOPING COUNTRY" (BDC). PROBLEM ARISES WHEN ARTICLE COMPOSED IN PART OF MATERIALS GROWN OR PRODUCED IN A BDC AND IN PART OF IMPORTED MATERIALS WHICH HAVE BEEN SUBSTANTIALLY TRANSFORMED INTO NEW ARTICLES WHICH WOULD THEN BE CONSIDERED PRODUCTS OF THE BDC. FOR EXAMPLE BICYCLE MANUFACTURED IN BDC--FRAME MADE FROM MATERIAL PRODUCED IN BDC; IMPORTED RAW HIDES ARE USED TO MAKE SADDLE (SUB-UNCLASSIFIED

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STANTIAL TRANSFORMATION); CHAIN MADE FROM IMPORTED STEEL

(SUBSTANTIAL TRANSFORMATION) AND TIRES FROM IMPORTED RUBBER (SUBSTANTIAL TRANSFORMATION). DOES BICYCLE QUALIFY FOR DOES IT HAVE TO QUALIFY UNDER 35 PERCENT RULE? REGULATIONS 19 CFR PART 10, SECTION 10.176(C) AND 10.177(A) APPEAR TO IMPLY BICYCLE WOULD QUALIFY AS WHOLLY GROWTH. PRODUCT OR MANUFACTURE OF BDC AND 35 PERCENT RULE WOULD NOT APPLY. IS THIS THE INTENT AND WILL IT BE ENFORCED IN THIS MANNER? WOULD ALSO APPRECIATE RECEIVING SEVERAL INSTANCES IN WHICH COURTS OR CUSTOMS SERVICE HAVE HELD ON WHAT CONSTITUTES SUBSTANTIAL TRANSFORMATION. BRIEF DESCRIPTION COMPONENT MATERIALS, MANUFACTURING PROCESS AND FINISHED ARTICLE WILL SUFFICE. REQUEST REPLY ASAP AS UNCTAD HANDBOOK ON U.S. GSP SCHEME CURRENTLY BEING REVISED.

2. MARRA COMMENTED THAT HE WAS VERY IMPRESSED WITH THE WAY GOVERNMENT OFFICIALS IN THE PHILIPPINES AND SINGAPORE WERE ADMINISTERING THE COMPLETION OF FORM A. HE FOUND THEM MUCH STRICTER IN APPROVING THE FORM THAN HE HAD EXPECTED AND NOTED THAT THIS WAS BY NO MEANS A RUBBER STAMP OPERATION. DALE

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Message Attributes

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